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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5640 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE M.R. SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

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HARJIVANBHAI NAROTTAMBHAI PATEL

Versus

STATE OF GUJARAT

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Appearance:

1. Special Civil Application No. 5640 of 2003
MR SURESH M SHAH for Petitioner No. 1
Mr. Nagesh Sood, AGP for Respondent No. 1

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CORAM : HON'BLE MR.JUSTICE M.R. SHAH

Date of decision: 23/07/2004

ORAL JUDGEMENT

Rule. Shri Sood, learned advocate appearing on behalf of the State waives service of Rule. With the consent of the parties, the matter is taken up for Final Hearing today.

2. The learned advocate appearing on behalf of the petitioner does not press the prayer with regard to

regrant of land of Survey No. 414 to the petitioner on payment of amount of compensation received by him. He however submits that an appropriate direction be issued directing the respondent to fix the market price after giving an opportunity of being heard to the petitioner so that he can point out the correct market price of which he is required to make payment. It will be in the fitness of things, and also in consonance with the principles of natural justice, to give an opportunity of being heard to the petitioner before fixing the market price of the land in question while regranting the land to the petitioner. Under the circumstances, the respondent is directed to give an opportunity of being heard to the petitioner before fixing the market price of the land while regranting the land bearing Survey No. 414 to the petitioner and thereafter fix the market price in accordance with law and on merits.

3. With this observation and direction, the present Special Civil Application is disposed of. Rule is made absolute to the aforesaid extent with no order as to costs.

[ M.R. Shah, J.
rmr.